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| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/777,844 | HARRIS ET AL. | |
| | Examiner | Art Unit | |
| | Hargobind S. Sawhney | 2875 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the application filed on 2/12/04.
2. The allowed claim(s) is/are 1-20.
3. The drawings filed on 12 February 2004 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Allowable Subject Matter

1. Claims 1-20 are allowed.

The prior art of record, including Mullani (U.S. Patent Application Pub. No. US 2004/0174525 A1), Twardawski (U.S. Patent Application Pub. No. US 2004/0141316 A1) and Brodak (U.S. Patent No. 6,000,811), fails to show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose a portable lighting device combining:

- a switch closing a first circuit, a second circuit with pressing of its respective first and second surface portions as recited in claims 1, 8 and 16;
- the switch closing both the first circuit and the second circuit with pressing of the third portion of the switch as recited in claims 1, 8 and 16.

The above-indicated combination, a switch including a first, a second and a third surface portions wherein pressing of each of the surface portions selectively closing the first or second, or both circuits, makes this disclosure unique.

Mullani (U.S. Patent Application Pub. No. US 2004/0174525 A1) discloses a portable lighting device including a first and second light sources electrically coupled to the respective first and second electrical circuits. Further, Mullani (U.S. Patent Application Pub. No. US 2004/0174525 A1) teaches two switches individually dedicated to each of the first and second circuits. However, Mullani does not include a switch

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including a first , a second and a third surface portions each dedicated to the first, a second, and both circuits as detailed above.

Similarly, neither Twardawski (U.S. Patent Application Pub. No. US 2004/0141316 A1) nor Brodak (U.S. Patent No. 6,000,811) teaches a combined switch having a first, a second and a third surface portions wherein pressing the each of the three surface portions closing the first circuit, the second circuit and both circuits as detailed above.

Thus, neither combined nor individual teaching of Mullani (U.S. Patent Application Pub. No. US 2004/0174525 A1), Twardawski (U.S. Patent Application Pub. No. US 2004/0141316 A1) and Brodak (U.S. Patent No. 6,000,811) meets the limitations of claims 1, 8 and 16.

Therefore claims 1, 8 and 16 are allowed over prior art.

Claims 2-7 and 18-20 are necessarily allowed because of their dependency on the allowed Claim 1.

Claims 9-15 are necessarily allowed because of their dependency on the allowed Claim 8.

Claim 17 is necessarily allowed because of their dependency on the allowed Claim 16.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Watterson et al. (U.S. Patent No. 6,623,140 B2), Schaller et al. (U.S. Patent No. 5,077,644), Green et al. (U.S. Patent No. 4,3598614), Ito et al (US Patent No.; 6,809,273 B2) and Karasik et al. 9US Patent No.: 5,824,978)

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS

6/3/05

Stephen Husar
Stephen Husar
Primary Examiner